



MAIL STOP AF
RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3700

AF/3735
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: R.J. Crowley Attorney Docket No.: BSME125003
Application No.: 08/922,263 Art Unit: 3735 / Confirmation No.: 1365
Filed: September 2, 1997 Examiner: D.M. Shay
Title: INTERVENTIONAL PHOTONIC ENERGY EMITTER SYSTEM

TRANSMITTAL LETTER FOR RESPONSE
AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

Seattle, Washington 98101
June 27, 2006

TO THE COMMISSIONER FOR PATENTS:

A. Response Transmittal

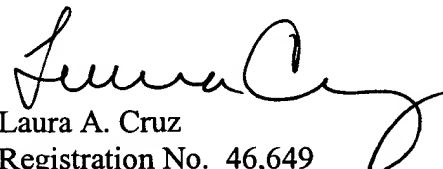
Transmitted herewith is a response to an Office Action in the above-identified application. No additional claim fee is required.

B. Additional Fee Charges or Credit for Overpayment

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application.

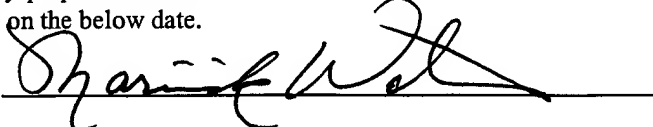
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: June 27, 2006
LXC:mmw





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RESPONSE TO FINAL REJECTION AND REQUEST TO WITHDRAW FINALITY OF THE
OFFICE ACTION MAILED ON MARCH 27, 2006

Seattle, Washington 98101

June 27, 2006

TO THE COMMISSIONER FOR PATENTS:

REMARKS

This paper is filed in response to the final rejection mailed on March 27, 2006. Currently, Claims 1, 5, 7, 15, 17, 20-30, 32-44, 47, 48, 52, 53, and 63-65 are pending in the application. Of these, Claims 20-30, 32-44, 47, 48, 52, 53, 64, and 65 are withdrawn from consideration. Claims 1, 5, 7, 15, 17, and 63 have been examined and stand rejected. Reconsideration of Claims 1, 5, 7, 15, 17, and 63-65 is respectfully requested.

The Finality of the Office Action Should Be Withdrawn

A withdrawal of the finality of the Office Action mailed on March 27, 2006 is requested.

Citing from M.P.E.P § 706.07(a):

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

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